

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MANUEL ORTIZ,

Defendant.

8:16CR62

ORDER

This matter is before the court on the motion of defendant, Manuel Ortiz (Ortiz) for a competency evaluation pursuant to 18 U.S.C. § 4241 (Filing No. 126). A hearing on the motion was held on November 14, 2016. Appearing at the hearing were Ortiz, his appointed counsel James C. Webering, and Assistant U. S. Attorney Kimberly C. Bunjer. During the hearing, Mr. Webering made representations to the court that Ortiz's competency to stand trial was in question whereby Mr. Webering had serious reservations about Ortiz's present ability to understand the nature of the proceedings against him and to assist in his own defense. The government had no objection to the motion. The request for a psychiatric or psychological examination to determine Ortiz's competency will be granted.

IT IS ORDERED:

1. The motion for a competency evaluation (Filing No. 126) is granted.
2. Pursuant to 18 U.S.C. § 4241 and by agreement of the parties, Ortiz will be examined by Dr. Bruce Gutnik, 10050 Regency Circle, Omaha, Nebraska 68114, telephone number (402) 399-8847, to determine whether Ortiz is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Said examination shall occur on or before December 30, 2016, and counsel for Ortiz shall arrange an appointment time. Counsel for Ortiz shall also arrange the examination at a time during which the Staff Spanish Interpreter, Laura Garcia-Hein, will be available to attend the evaluation.
3. The United States Marshal for the District of Nebraska shall transport Ortiz to Dr. Gutnik's office for the purpose of the evaluation under such conditions as deemed appropriate by the U.S. Marshal at a time agreed to by the parties and Dr. Gutnik. Prior to the examination, the parties shall provide Dr. Gutnik with all available records or reports of Ortiz as requested by Dr. Gutnik. The Staff Spanish Interpreter shall attend the evaluation to assist Dr. Gutnik.
4. A psychiatric or psychological report shall be filed with the court with copies provided to counsel of record within twenty (20) days of the completion of the period of examination.
5. Upon receipt by the court and counsel of the examination report, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of Ortiz to stand trial in this matter.
6. The clerk shall provide a copy of this order to Dr. Gutnik, the U.S. Marshal, and Ms. Garcia-Hein.
7. The Department of Justice shall be responsible for the payment of the costs attendant to the examination. **See:** USAM 3-8.520.

DATED this 6th day of December, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge